



City of Carmel

Carmel Advisory Board of Zoning Appeals

Hearing Officer

Monday, June 27, 2005

The meeting was held at 5:00 PM in the Caucus Rooms of City Hall, Carmel, Indiana on Monday, June 27, 2005. The Hearing Officer was James Hawkins.

Department of Community Services Staff in attendance was Angie Conn and Mike Hollibaugh.

D. Public Hearing:

1d. International Montessori

Petitioner seeks the following special use amend & development standards variance approvals:

Docket No. 05050058 SUA ZO Chapter 21.02 expansion of special use

Docket No. 05050059 V ZO Chapter 5.04.03.F over 35% lot coverage

The site is located at 2150 W. 96th St. and is zoned S-1/Residence - Very Low Density.

Filed by Stuart Shade of SRS Architects.

Present for the Petitioner: Dr. Tarlochan Dhadialla and David Klain. Dr. Dhadialla shared a copy of the plans for expansion. They have made a lot of renovations since acquiring the property in December 2003. The school opened in April 2005 and has an increased demand for enrollment.

Remonstrators:

Emiry Kovac, 9630 Prairiewood, wanted to see the plans for the expansion. He felt it was a commercial use in a residential area and did not belong there. He is not against the kids, but felt there was a lot of noise from the school.

Margarita Grishin, 9650 Bramblewood Way, located behind the school property. They are not against the kids, but wanted to see the expansion plans and how close it would be to their property. She felt if it were too close to her house, it would affect the property value.

Rebuttal:

Dr. Dhadialla explained the expansion plans and shared the site plan. The majority of the expansion is on the front of the building, with a small portion on the rear. It will remain a one-story building. The building will be about 76 feet from the rear property line. The expansion will be approximately 14 by 20 feet. The playground is adequate and will not expand or move. The majority of the children are at the school 9:00 AM until 3:00 PM. Four or five children come in at 7:30 AM and four or five children leave at 6:00 PM. This is not a daycare center, but a special way of teaching children. He encouraged the neighbors to visit the school.

David Klain, 3820 E. 79th Street has a daughter who attends the school and is very happy with the school and the Montessori Method.

The Public Hearing was closed.

Mrs. Conn gave the Department Report. The original Special Use was for a daycare/preschool center in 1996. A Montessori school is a different type of school. The Petitioner is working with the Urban Forester to update the landscaping and buffering. The Comprehensive Plan states that a school use is an amenity to a neighborhood. The Department recommended positive consideration. The sign must be located five feet from the right-of-way.

Mr. Hawkins stated that the Public meeting was closed.

Dr. Dhadialla stated that the school will expand from 42 to 72 students. They have adequate space for the playground. The existing building is about 2700 square feet. The expansion will be approximately 1695 square feet. They are following codes for enrollment and teacher ratio and space.

Mrs. Conn stated that the Hamilton County Highway Department is looking into the right-of-way. They do conform to the Carmel Thoroughfare Plan. If the County Highway Department requires more than 50-foot half, there should be a contingency.

Mr. Hawkins explained the meeting procedure to the remonstrators. They are not able to remonstrate after the Petitioner's rebuttal. Their main concern was about the entrance and the playground. The entrance and playground will not change.

Mr. Hawkins **APPROVED Docket Nos. 05050058 SUA and 05050059 V, International Montessori contingent** upon the right-of-way being consistent with the Hamilton County Highway Department Thoroughfare Plan and dedication of property if necessary and the landscaping plan meeting the Urban Forester's approval.

2d. Orchard Park, Lot 115: Horstman Garage

The applicant seeks the following development standards variance:

Docket No. 05060002 V ZO Chapter 26.02.19.D building setback line

The site is located at 10000 Orchard Park W. Drive and is zoned S-2/Residence.

Filed by William & Beverly Horstman.

Present for the Petitioner: William Horstman. Their corner lot has build lines of 60 feet from the right-of-way. They need the variance to add a two-car garage. The setback will be 39 feet from the right-of-way.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

Mrs. Conn gave the Department Report. This corner lot is larger than most of the lots in the neighborhood so there is more space to build a garage. The Department recommended positive consideration.

Mr. Hawkins **APPROVED Docket No. 05060002 V, Horstman Garage.**

3d. BFI Properties Warehouse Expansion

The applicant seeks the following development standards variance:

Docket No. 05060004 V ZO Chapter 26.04.01 perimeter buffering

The site is located at 485 Gradle Drive and is zoned I-1/Industrial.

Filed by Mark Monroe of Wooden & McLaughlin

Present for the Petitioner: Mark Monroe and Scott Brown, BFI Properties owner and developer. Mr. Monroe pointed out the location on the aerial view from the packet. Mr. Brown desires to add onto the existing structure. He will tear down one of the smaller buildings in the back, but will retain the other smaller structure to the south. He will be maintaining all the existing landscaping and planting new trees out front per the specifications of the City Forester. They received Special Studies Committee approval on June 7, 2005.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

Mrs. Conn gave the Department Report. This building is located in an industrial zone with minimal landscaping and they have been working with the Urban Forester. The Department recommended positive consideration.

Mr. Monroe stated they would be maintaining the existing parking and increasing the count from 38 to 41 when they stripe the asphalt.

Mr. Hawkins **APPROVED Docket No. 05060004 V, BFI Properties Warehouse Expansion, contingent** upon the landscaping plan meeting the Urban Forester's approval.

4d. Hahn & Associates (Rear Parking Area)

Petitioner seeks the following development standards variance approval:

Docket No. 05030027 V ZO Chapter 27.03.02 curbed parking

The site is located at the 2850 E 96th St and is zoned S-2/Residence.

Filed by Mark Monroe of Wooden & McLaughlin.

Present for the Petitioner: Mark Monroe and Frank Hahn, owner and developer of the site. They will be paving the rear site behind the office with no curbing on the exterior edge. The parking lot will not be seen from the street. The storm water drains to the north to a swale through the site and into the office complex to the east. The Urban Forester had suggested additional shade trees behind the existing parking. Mr. Monroe shared pictures of the mature trees on the site and felt there was no need for additional landscaping.

Mr. Hahn pointed out that the existing front parking does not have curbing and drainage comes across to the catch basin at the property line to the east. It goes to the pond in the back of that property which was designed to take all the storm water in the area.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

Mrs. Conn gave the Department Report. To not have curbing on this parking lot would aid in the drainage. However, the Urban Forester did recommend a planting strip adjacent to the parking area. He felt it would help with storm water control and shade for the parking area. The Department recommended positive consideration with the condition that the Petitioner come to a compromise with the Urban Forester for the landscaping.

Mr. Hahn stated the storm water drains to the front or the back. There is no drainage to the side. The primary slope is to the rear of the lot.

Mr. Monroe stated they had had some discussions with the Urban Forester. Mr. Monroe did not feel the Urban Forester understood the size and number of the existing trees. He felt there was no need for more trees.

Mr. Hahn did not see how the trees would help with the drainage.

Mrs. Conn brought up the email that had been received from a local homeowner concerning the lack of care given by Hahn & Associates to keeping their properties looking residential.

The letter was shared with the Petitioner.

Mr. Hawkins did not feel he could apply anything at this time.

Mr. Hahn stated they had cleaned up the large dead tree that had been taken down earlier. They would be in contact with the resident.

Mr. Hawkins **APPROVED Docket No 05030027, Hahn & Associates.**

5d. Foster's Addition, Lot 6pt: Payless Liquors

Petitioner seeks the following development standards variance approval:

Docket No. 05050026 V ZO Chapter 25.07.02-08.b number of signs

The site is located 445 S Rangeline Rd and is zoned B-2/Business within the Carmel Dr - Rangeline Rd Overlay. Filed by Charles Key of Payless Liquors, Inc.

Present for the Petitioner: Charles Key. They are presently remodeling the store. They are requesting the variance for two signs not to exceed the allowable square footage on the south side of the building. A copy of the sign and elevation was shown. They are allowed 60 square feet on the south side and 30 square feet on the west side. They need two signs for the two different planes of the building.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

Mrs. Conn gave the Department Report. The design and location of the signs was approved at the April Plan Commission Sub-committee meeting. There is no issue with the signs since the total square footage does not exceed the allowable square footage. The Department recommended positive consideration.

Mr. Hawkins **APPROVED Docket No. 05050026 Payless Liquors.**

E. Old Business.

There was no Old Business.

F. New Business.

There was no New Business.

G. Adjourn.

The meeting was adjourned at 5:50 PM.

James R. Hawkins, Hearing Officer

Connie Tingley, Secretary